

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JOSEPH L. MIZZONI,

Plaintiff,

v.

STATE OF NEVADA, ex.rel. NEVADA  
DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

3:11-cv-00186-LRH-WGC

ORDER

Before this Court is the Report and Recommendation of U.S. Magistrate Judge William G. Cobb (#78<sup>1</sup>) entered on June 3, 2014, recommending denying Plaintiff's Motion for Summary Judgment (#64) filed on November 5, 2013, and granting Defendants' Motion for Summary Judgment (#72) filed on January 10, 2014. Plaintiff filed his Reply and Objections to Magistrate Judge's Report and Recommendation (#81) on July 23, 2014, and Defendants filed their Opposition to Plaintiff's Objection to Magistrate Judge's Report and Recommendation (#82) on August 5, 2014. On August 13, 2014, Plaintiff filed his Reply and Objection to Document #82, etc., (#83), and also on August 13, 2014, Defendants filed their Motion to Strike Plaintiff's "Reply and Objection" #83 (#84).

This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 1B 1-4 of the Rules of Practice of the United States District Court for the District of Nevada.

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<sup>1</sup>Refers to court's docket number.

1 The Court has conducted its *de novo* review in this case, has fully considered the objections of  
2 the Plaintiff, the response of Defendants, the pleadings and memoranda of the parties and other relevant  
3 matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. The Court determines  
4 that the Magistrate Judge's Report and Recommendation (#78) entered on June 3, 2014, should be  
5 adopted and accepted.

6 The Court has also reviewed Plaintiff's reply and Defendants' motion to strike. Defendants are  
7 correct that neither the Federal Rules of Civil Procedure nor the Local Rules allow for a reply to a  
8 response to objections to a magistrate judge's report and recommendation without prior approval of  
9 the court. Defendants' motion to strike, therefore, shall be granted.

10 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation (#78)  
11 entered on June 3, 2014, is adopted and accepted, and Plaintiff's Motion for Summary Judgment (#64)  
12 is DENIED.

13 IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (#72) is  
14 GRANTED.

15 IT IS FURTHER ORDERED that Defendants' Motion to Strike (#84) is GRANTED.

16 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment in favor of  
17 Defendants and against Plaintiff.

18 IT IS SO ORDERED.

19 DATED this 19th day of August, 2014.

20   
21 LARRY R. HICKS  
22 UNITED STATES DISTRICT JUDGE  
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